



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 18, 1993

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Inconclusives with Statistical Inventory Reconciliation

FROM: David Ziegele, Director /s/
Office of Underground Storage Tanks

TO: UST/LUST Regional Program Managers
UST/LUST Regional Attorneys

Staff in several regions have asked us to provide guidance in response to the following question:

During an inspection, is the facility out of compliance if the release detection method in use is statistical inventory reconciliation (SIR), and a monthly report shows "inconclusive"?

The Federal regulations require that all release detection methods (with the exception of the combination of tightness testing and inventory control) be conducted at least every 30 days for USTs and associated piping. An inspector should review the release detection test results for the Method being applied at that facility. With SIR, the inspector will review monthly test results for 12 consecutive months, and one test must fall within each month of the previous 12 months. If a test result is missing, inconclusive, or if a test was not conducted, the owner and operator are in violation of 40 CFR § 280.41.

If annual tank tightness testing is used in conjunction with inventory control, for example, a valid annual test result must be available, as well as the previous twelve months of reconciled inventory records. Likewise, conclusive test results for the previous twelve months must be available when SIR is used as the monthly method. If an owner or operator has one or more inconclusive SIR test results for the previous 12 month period, he or she is in violation of the release detection requirements and is not conducting adequate release detection.

Valid and conclusive test results are required and must be available for review for the facility to be in compliance. An owner or operator cannot wait until the next month (or year) before testing again. The owner or operator must provide adequate inventory records and his or her equipment must be functioning properly to obtain valid test results. If not, the facility is not conducting release detection in accordance with the Federal regulations and therefore is not in compliance.

Sometimes when SIR is first applied to a facility, inconclusives are reported for the first month or two -- until problems such as imprecise inventory practices are corrected. To avoid being out of

compliance, we recommend that these facilities continue to practice another leak detection method as a backup until such time as they have received conclusive test results from the SIR vendor for two consecutive months.

Of course, inspectors should use their enforcement discretion as appropriate. An example might be the case of only one inconclusive result. SIR vendors have procedures for investigating the cause of inconclusive results, and an inspector may take into consideration the extent to which they were followed and the problem addressed.

Because of the growing use of SIR, I plan to send copies of this memorandum directly to State UST managers in the near future. If you have any questions or need additional information, please contact Randy Nelson (913-551-7220) or David Wiley (703-308-8877).

cc: UST/LUST Regional Branch chiefs
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OUST Management Team